

**EIGHTY-FIRST LEGISLATIVE DAY  
THURSDAY, MARCH 31, 2005**

/s/ BEN YSURSA  
Secretary of State

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Hannah Alexander, Page.

**Approval of Journal**

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eightieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that Carlos Bilbao, State Representative, District 11, House Seat B, Gem and Canyon Counties, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Roger L. Reynoldson, of Parma, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Roger L. Reynoldson, Acting State Representative, District 11, House Seat B, State of Idaho, for a term commencing on Thursday, March 31, 2005, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 29th day of March in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ DIRK A. KEMPTHORNE  
Governor

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Reynoldson.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 165 and H 178**

/s/ Very truly yours,  
DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

Dear Mr. Speaker:

I hereby advise you that I have transmitted to the Office of the Secretary of State, with my approval, the following House Bill, to wit:

**H 231**

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 2:45 p.m. on March 24, 2005.

**I. INTRODUCTION**

Today I signed **H 231**—allowing tuition at institutions of higher education—into law. Beginning July 1, 2005, this law will authorize the State Board of Education to set fees, including tuition fees, at Boise State University, Idaho State University, and Lewis Clark State College to cover any and all educational costs, including instruction.

**H 231** does not apply to the University of Idaho because of the constitutional charter of the university, which prohibits tuition, or a charge for instruction for full-time resident students

I realize that the enactment and implementation of any new legislation may cause anxiety or concern, which is why I felt that

it was important to explain the need for this legislation.

## II. DISCUSSION

I would like to explain my rationale for signing **H 231**, which is outlined below.

1. Higher education is one of the few, if not the only service, in which the fees that are paid cannot be used to provide the primary service that is demanded. The current structure restricts how fees collected from students can be spent and prohibits the use of fees for instruction. **H 231** allows the State Board of Education, universities and colleges the flexibility to use student fees to support the educational and instructional process.

2. Some opponents have suggested that this legislation will allow unregulated increases in student fees. Under **H 231**, the amount charged to students whether called matriculation fees or tuition will continue to be reviewed and approved by the State Board of Education through an open process that includes input from students, recommendations from the presidents of these institutions, State Board staff, and the public.

3. I believe that this legislation will help Idaho's universities and colleges meet the needs of our students. Under **H 231**, Boise State University, Idaho State University, and Lewis Clark State College will be able to use the fees collected from students to help fund instructional costs, including additional classes and programs desirable to students and local businesses. Too often when courses are filled to capacity due to high demand or new programs are desired, the current fee structure does not support the immediate addition of additional courses.

4. The proponents of **H 231** are wide and varied. An overview of the distribution of supporters can be demonstrated through the following examples:

*"I want to explain my position on this legislation and assure you that this, in and of itself, will not affect the amount of fees that students will pay. What it will do is help us respond to our students and provide the classes required for their majors and graduation. This change will allow us to open up new sections as new students sign up for classes and use their fees to pay for the cost of instruction, something that we cannot do now and something that now contributes to the extended graduation rates..."*

Robert Kustra, President  
Boise State University

*"Even though [the legislation] does not apply to the University of Idaho, I am supportive of the legislation, House Bill 231 is a significant tool that can be used by our sister institutions to help ensure that funds paid by students are used in the most efficient and cost-effective manner and in ways that will ensure that students receive the greatest benefit from the funds they pay."*

Timothy White, President  
University of Idaho

## III. CONCLUSION

As you know, Mr. Speaker, this legislation provides flexibility for some of our public institutions of higher education to meet the expanding needs of students. This flexibility is important for maintaining the quality of education that Idaho offers at our state universities and colleges.

/s/  
Very truly yours,  
DIRK A. KEMPTHORNE  
Governor

March 30, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1086**, as amended, **S 1104**, **S 1160**, **S 1163**, as amended, **S 1180**, **S 1189**, **S 1210**, **S 1211**, **S 1212**, **S 1213**, **S 1214**, **S 1215**, **S 1216**, **S 1224**, **S 1225**, **S 1179**, as amended in the House, **S 1196**, **S 1217**, **S 1230**, **S 1062**, as amended, as amended in the House, **S 1164**, as amended, as amended in the House, **S 1192**, **S 1220**, **S 1228**, and **SCR 118** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1086**, as amended, **S 1104**, **S 1160**, **S 1163**, as amended, **S 1180**, **S 1189**, **S 1210**, **S 1211**, **S 1212**, **S 1213**, **S 1214**, **S 1215**, **S 1216**, **S 1224**, **S 1225**, **S 1179**, as amended in the House, **S 1196**, **S 1217**, **S 1230**, **S 1062**, as amended, as amended in the House, **S 1164**, as amended, as amended in the House, **S 1192**, **S 1220**, **S 1228**, and **SCR 118** and, when so signed, ordered them returned to the Senate.

March 30, 2005

Mr. Speaker:

I return herewith enrolled **H 352**, **H 355**, **H 356**, **H 357**, **H 358**, **H 359**, **H 360**, **HJM 7**, **HJM 9**, **H 322**, **H 337**, **H 324**, and **H 127**, as amended, which have been signed by the President.

WOOD, Secretary

Enrolled **H 352**, **H 355**, **H 356**, **H 357**, **H 358**, **H 359**, **H 360**, **H 322**, **H 337**, **H 324**, and **H 127**, as amended, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HJM 7** and **HJM 9** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 30, 2005

Mr. Speaker:

I transmit herewith **S 1235**, **S 1236**, **S 1237**, and **S 1238** which have passed the Senate.

WOOD, Secretary

**S 1235**, **S 1236**, **S 1237**, and **S 1238** were filed for first reading.

March 30, 2005      ordered.

Mr. Speaker:

I return herewith **HJM 8, H 325, H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, H 385, H 350, H 365, and H 376** which have passed the Senate.

WOOD, Secretary

**HJM 8, H 325, H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, H 385, H 350, H 365, and H 376** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 30, 2005

Mr. Speaker:

I return herewith **H 315**, as amended in the Senate, **H 100**, as amended in the Senate, as amended in the Senate, and **H 386**, as amended in the Senate, which have passed the Senate.

WOOD, Secretary

**H 315**, as amended in the Senate, **H 100**, as amended in the Senate, as amended in the Senate, and **H 386**, as amended in the Senate, were ordered held at the Desk.

Mr. Barraclough asked unanimous consent that the House concur in the Senate amendments to **H 315**, as amended in the Senate. Mrs. Boe objected.

Mr. Barraclough moved that the House concur in the Senate amendments to **H 315**, as amended in the Senate. Seconded by Mr. Moyle.

The question being "Shall the motion pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Roberts, Rusche, Rydallch, Sali, Schaefer, Shepherd(8), Shirley, Smith(24), Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 51.

NAYS -- Boe, Henbest, Jaquet, Jones, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ring, Ringo, Sayler, Shepherd(2), Skippen, Smith(30), Trail. Total -- 17.

Absent and excused -- Black, Smylie. Total -- 2.  
Total -- 70.

Whereupon the Speaker declared the motion passed and the House concurred in the Senate amendments to **H 315**, as amended in the Senate.

**H 315**, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Mr. Roberts asked unanimous consent that the House concur in the Senate amendments to **H 100**, as amended in the Senate, as amended in the Senate. There being no objection, it was so

**H 100**, as amended in the Senate, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Mr. Clark asked unanimous consent that the House not concur in the Senate amendments to **H 386**, as amended in the Senate. There being no objection, it was so ordered.

The Speaker announced that Representatives Raybould, Jaquet, and Clark would serve on a Conference Committee regarding failure of the House to concur in the Senate amendments to **H 386**, as amended in the Senate.

**H 386**, as amended in the Senate, with the Senate amendments, was referred to the Conference Committee.

### Report of Standing Committees

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 28, HP 5, and H 398**.

FIELD(18), Chairman

**H 398** was referred to the Revenue and Taxation Committee.

**HCR 28 and HP 5** were filed for second reading.

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 20, HCR 21, H 353, H 240, H 300, H 306**, as amended, as amended, **H 323**, as amended, **H 318, H 354, H 301, H 326, H 334, H 226, H 227, H 331, H 364, H 351, H 333, H 269, H 313, H 130**, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, and **H 281**, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 20, HCR 21, H 353, H 240, H 300, H 306**, as amended, as amended, **H 323**, as amended, **H 318, H 354, H 301, H 326, H 334, H 226, H 227, H 331, H 364, H 351, H 333, H 269, H 313, H 130**, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, and **H 281**, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, and **H 291**, as amended in the Senate.

FIELD(18), Chairman

**H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, and **H 291**, as amended in the Senate, were filed for first reading of engrossed bills.

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 343**, **H 344**, **H 345**, **H 346**, **H 347**, **H 348**, **H 85**, as amended, **H 49**, as amended, **H 23**, **H 249**, **H 247**, as amended, **H 203**, as amended, **H 207**, **H 208**, as amended, **H 70**, **H 17**, **H 88**, **H 72**, **H 73**, **H 74**, **H 161**, **H 135**, **H 234**, **H 162**, **H 283**, **H 213**, **H 219**, **H 220**, **H 221**, **H 238**, **H 280**, **H 299**, **H 253**, **H 215**, **H 265**, as amended, **H 188**, as amended, **H 282**, **H 277**, and **H 319** to the Governor at 12 p.m., as of this date, March 30, 2005.

FIELD(18), Chairman

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 6** to the Secretary of State at 11:54 a.m., as of this date, March 30, 2005.

FIELD(18), Chairman

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON WAYS AND MEANS, report that we have had under consideration **SCR 110** and recommend that it do pass.

CLARK, Chairman

**SCR 110** was filed for second reading.

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **SJM 111** and recommend that it do pass.

DEAL, Chairman

**SJM 111** was filed for second reading.

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1173**, as amended, **SCR 119**, and **S 1147**, as amended, and recommend that they do pass.

BARRACLOUGH, Chairman

**S 1173**, as amended, **SCR 119**, and **S 1147**, as amended, were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

**S 1235**, **S 1236**, **S 1237**, and **S 1238**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

### First Reading of Engrossed Bills

**H 145**, as amended, as amended in the Senate, by Environment, Energy, and Technology Committee, was introduced, read the first time by title and filed for second reading.

**H 110**, as amended, as amended in the Senate, by Revenue and Taxation Committee, was introduced, read the first time by title and filed for second reading.

**H 291**, as amended in the Senate, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

### Second Reading of Bills and Joint Resolutions

**H 395**, **H 396**, and **H 397**, by Appropriations Committee, were read the second time by title and filed for third reading.

**S 1170**, as amended, **S 1198**, **S 1197**, as amended, and **SJM 109**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

**S 1171**, as amended, **S 1229**, **S 1231**, **S 1232**, **S 1233**, and **S 1234**, by Finance Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 395** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 395** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini,

Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Loertscher, Smylie. Total -- 2.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 395** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

Ms. Jaquet moved that **H 395** be placed on General Orders for consideration. Seconded by Mr. Sayler.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Bastian, Boe, Edmunson, Ellsworth, Henbest, Jaquet, Jones, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Shepherd(2), Smith(30), Smylie, Snodgrass, Trail. Total -- 21.

NAYS -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24), Stevenson, Wills, Wood, Mr. Speaker. Total -- 49.

Total -- 70.

Whereupon the Speaker declared the motion failed.

The question being, "Shall **H 395** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henderson, Kemp, Lake, LeFavour, Loertscher, Mathews, McKague, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Shepherd(8), Shirley, Skippen, Smith(24), Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 52.

NAYS -- Boe, Harwood, Henbest, Jaquet, Jones, Martinez, McGeachin, Miller, Mitchell, Pasley-Stuart, Pence, Ringo, Sayler, Schaefer, Shepherd(2), Smith(30), Smylie, Trail. Total -- 18.

Total -- 70.

Whereupon the Speaker declared **H 395** passed the House.

Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 396** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 396** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Loertscher, Smylie. Total -- 2.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 396** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

At this time, Mr. Denney took the Chair.

The question being, "Shall **H 396** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bell, Bilbao(Reynoldson), Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Henderson, Jones, Kemp, Lake, LeFavour, McKague, Miller, Moyle, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills. Total -- 45.

NAYS -- Barrett, Bedke, Boe, Hart, Harwood, Henbest, Jaquet, Loertscher, Martinez, Mathews, McGeachin, Mitchell, Nielsen, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Schaefer, Smith(30), Trail, Wood. Total -- 22.

Absent and excused -- Bayer, Garrett, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 396** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 397** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 397** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Loertscher, Smylie. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 397** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall **H 397** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Crow, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 56.

NAYS -- Barrett, Clark, Deal, Hart, Harwood, Loertscher, McKague, Moyle, Nielsen, Ring, Roberts, Sali. Total -- 12.

Absent and excused -- Collins, Mr. Speaker. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 397** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

### Consideration of Messages from the Governor and the Senate

March 31, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

This letter is to inform you that I have appointed the following Senators to the Conference Committee to consider the Senate Amendments to **H 386**:

Senator Dean Cameron, Chairman  
Senator Hal Bunderson  
Senator Clint Stennett

Sincerely,  
ROBERT L. GEDDES  
President Pro Tem

Mr. Moyle moved that the House recess until 2:30 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 2:30 p.m.

RECESS

Afternoon Session

The House reconvened at 2:30 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Fourth Order of Business.

### Consideration of Messages from the Governor and the Senate

March 31, 2005

Mr. Speaker:

I return herewith **HCR 26, HCR 16, HCR 18, HCR 22, HCR 23, HCR 25, H 230, H 336**, as amended, **H 388, H 389, H 390**, and **H 393** which have passed the Senate.

WOOD, Secretary

**HCR 26, HCR 16, HCR 18, HCR 22, HCR 23, HCR 25, H 230, H 336**, as amended, **H 388, H 389, H 390**, and **H 393** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

#### Report of Standing Committees

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HJM 8, H 325, H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, H 385, H 350, H 365, H 376, HCR 26, HCR 16, HCR 18, HCR 22, HCR 23, HCR 25, H 230, H 336**, as amended, **H 388, H 389, H 390**, and **H 393**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HJM 8, H 325, H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, H 385, H 350, H 365, H 376, HCR 26, HCR 16, HCR 18, HCR 22, HCR 23, HCR 25, H 230, H 336**, as amended, **H 388, H 389, H 390**, and **H 393**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 315**, as amended in the Senate, and **H 100**, as amended in the Senate, as amended in the Senate.

FIELD(18), Chairman

**H 315**, as amended in the Senate, and **H 100**, as amended in the Senate, as amended in the Senate, were filed for first reading of engrossed bills.

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 352, H 355, H 356, H 357, H 358, H 359, H 360, H 322, H 337, H 324**, and **H 127**, as amended, to the Governor at 11:50 a.m., as of this date, March 31, 2005.

FIELD(18), Chairman

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 7** and **HJM 9** to the Secretary of State at 11:10 a.m., as of this date, March 31, 2005.

FIELD(18), Chairman

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **SJM 112** and **S 1191**, as amended, and recommend that they do

pass.

STEVENSON, Chairman

**SJM 112** and **S 1191**, as amended, were filed for second reading.

There being no objection, the House advanced to the Ninth Order of Business.

#### First Reading of Engrossed Bills

**H 315**, as amended in the Senate, by Education Committee, was introduced, read the first time by title and filed for second reading.

**H 100**, as amended in the Senate, as amended in the Senate, by Revenue and Taxation Committee, was introduced, read the first time by title and filed for second reading.

There being no objection, the House advanced to the Twelfth Order of Business.

#### Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

#### Report of the Committee of the Whole House

March 31, 2005

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1158**, as amended, and report it back without recommendation, amended as follows:

#### HOUSE AMENDMENTS TO S 1158, as amended

##### AMENDMENTS TO SECTION 1

On page 1 of the engrossed bill, delete lines 23 through 42; on page 2, delete lines 1 through 19, and insert:

"54-5101. Legislative purpose and intent. It is the intent of the Idaho legislature that nothing in this chapter will limit the decision in State v. Smith except to the extent that certain modalities of treatment shall require a license pursuant to this chapter. To that end it is not the intent of the legislature to regulate the practice of natural health care services as it is defined in this chapter, except as expressly provided herein."; also on page 2, delete lines 36 through 38 and insert:

"(6) "Naturopathic medicine" means a distinct and comprehensive system of primary health care practiced by naturopathic physicians. For the purpose of this chapter,

naturopathic medicine does not include natural health care services as defined herein, however, nothing contained herein is intended to prohibit a naturopathic physician from providing natural health care services."; delete lines 42 through 46 and insert:

"(8) "Natural health care services" means the broad domain of health care services and procedures, including diagnosis and treatment, where treatment or advice regarding the human body and its functions is administered by a person who:

- (a) Does not use legend drugs or prescription drugs in such practice;
- (b) Uses only natural elements including, without limitation, air, heat, water and light;
- (c) Only uses class I or class II nonprescription, approved medical devices as defined in section 513 of the federal food, drug and cosmetic act;
- (d) Only uses vitamins, minerals, herbs, natural food products and their extracts, nutritional supplements and homeopathic preparations and remedies not otherwise prohibited by law; and who
- (e) Does not perform surgery.";

delete lines 48 and 49 and insert: "out to others as a naturopathic physician or practice naturopathic medicine as defined herein without first applying for and receiving a license. Persons who are not licensed pursuant to this chapter may provide natural health care services as defined herein pursuant to sections 54-5107 and 54-1804, Idaho Code.".

On page 3, in line 6, following "'N.D.'" insert: "by a person who has:

- (a) Received a doctor of naturopathy degree from a school, college or institution that is licensed, or exempt from licensure as a religious school, college or institution, by the appropriate state educational licensing agency in which its principal operations or offices are located;
- (b) Completed a doctoral level course of study that includes coursework and practical experience, which may include apprenticeship, of at least eight hundred (800) hours, upon completion of which a doctor of naturopathy degree is conferred;
- (c) Practiced as a doctor of naturopathy for twenty (20) years prior to the effective date of this chapter;
- (d) Practiced as a doctor of naturopathy for at least five (5) years and received a doctor of naturopathy degree prior to the effective date of this chapter; or
- (e) Received a license pursuant to this chapter.

(4) No person who does not meet the criteria set forth in this section may use the titles and terms contained in subsection (3) of this section."

On page 4, delete lines 24 through 26 and insert:

"(9) The practice and providing of natural health care services as defined herein in compliance with sections 54-5107 and 54-1804, Idaho Code, by a person who is not licensed, certified or registered in this state as a health care professional or practitioner.";

in line 38, following "section" insert: "and that he or she recognizes that the practitioner is not licensed to practice medicine, surgery or naturopathic medicine".

On page 8, in line 16, following "physician" insert: "or who practices naturopathic medicine as defined herein"; in line 27,

following "physician" insert: ", practicing naturopathic medicine as defined herein or using a title or term set forth in section 54-5103(3), Idaho Code,".

#### AMENDMENTS TO THE BILL

On page 8, following line 37, insert:

"SECTION 2. The Legislature recognizes that the enforcement and administration of Chapter 51, Title 54, Idaho Code, may in some instances involve more than one (1) regulatory board. The Legislature does not intend that there should be any inconsistency in the enforcement of the provisions of Chapter 51, Title 54, Idaho Code. Therefore, the Legislature intends that boards and regulatory bodies seeking to enforce any provision hereof shall coordinate with other affected boards to eliminate duplication of enforcement and inconsistency in rulemaking.";

in line 38, delete "SECTION 2" and insert: "SECTION 3".

On page 10, in line 24, delete "SECTION 3" and insert: "SECTION 4".

#### CORRECTION TO TITLE

On page 1, in line 14, following "SEVERABILITY;" insert: "TO PROVIDE LEGISLATIVE INTENT REGARDING ENFORCEMENT;".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

**S 1158**, as amended, as amended in the House, was filed for first reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

#### Report of Standing Committees

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed House Amendments to **S 1158**, as amended.

FIELD(18), Chairman

There being no objection, the House advanced to the Eighth Order of Business.

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 399 BY WAYS AND MEANS COMMITTEE

AN ACT  
RELATING TO WATER; AMENDING SECTION



42-1763B, IDAHO CODE, AS AMENDED BY SECTION 1, HOUSE BILL NO. 153, ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-EIGHTH IDAHO LEGISLATURE, TO PROVIDE A LIMITATION RELATING TO THE AMOUNT OF NATURAL CONSUMPTIVE FLOW WATER LEASED BY THE U.S. BUREAU OF RECLAMATION AND TO PROVIDE FOR THE GOVERNOR'S CERTIFICATION THAT CERTAIN BIOLOGICAL OPINIONS HAVE BEEN ISSUED; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

**H 399** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1170**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1170**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1170**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Kemp and Mrs. Chadderdon to open debate.

The question being, "Shall **S 1170**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- LeFavour, Ringo. Total -- 2.

Absent and excused -- Bedke, Skippen. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1170**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1198** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1198** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1198** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **S 1198** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Skippen. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1198** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1197**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1197**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1197**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open

debate.

The question being, "Shall **S 1197**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Skippen. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1197**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **SJM 109** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **SJM 109** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **SJM 109** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open

debate.

The question being, "Shall **SJM 109** be adopted?"

Whereupon the Speaker declared **SJM 109** adopted by voice vote and ordered the memorial returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1171**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1171**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1171**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

Ms. Jaquet asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1171**, as amended. There being no objection, it was so ordered.

Mr. Roberts asked unanimous consent that, pursuant to Rule 38(3), he be excused from voting on **S 1171**, as amended, due to a conflict of interest. There being no objection, it was so ordered.

At this time, the Speaker recognized Mr. Moyle and Mr. Bedke to open debate.

The question being, "Shall **S 1171**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 53.

NAYS -- Boe, Clark, Henbest, Jaquet, Jones, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Smith(30), Smylie. Total -- 14.

Absent and excused -- LeFavour, Roberts, Skippen. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1171**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1229** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1229** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1229** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall **S 1229** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block, Boe, Bolz, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Jones, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wood, Mr. Speaker. Total -- 58.

NAYS -- Henbest, Martinez, Ringo, Smith(30). Total -- 4.

Absent and excused -- Black, Bradford, Clark, Jaquet, LeFavour, Raybould, Skippen, Wills. Total -- 8.  
Total -- 70.

Whereupon the Speaker declared **S 1229** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1231** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1231** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.  
Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1231** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **S 1231** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Clark, Jaquet, LeFavour, Moyle, Raybould, Skippen, Smith(24). Total -- 7.  
Total -- 70.

Whereupon the Speaker declared **S 1231** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1232** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1232** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.  
Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1232** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open

debate.

The question being, "Shall **S 1232** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Clark, Jaquet, LeFavour, Moyle, Raybould, Skippen. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1232** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1233** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1233** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1233** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **S 1233** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 55.

NAYS -- Andrus, Barrett, Loertscher, Mathews, McGeachin, McKague, Nielsen, Sali, Wood. Total -- 9.

Absent and excused -- Bedke, Clark, Crow, Jaquet, Moyle, Raybould. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1233** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1234** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1234** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Schaefer, Skippen, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1234** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final

consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **S 1234** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Barrett, Bayer, Bell, Black, Block, Bolz, Bradford, Chadderdon, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, McKague, Moyle, Nielsen, Nonini, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Stevenson, Wills, Wood, Mr. Speaker. Total -- 41.

NAYS -- Andrus, Bastian, Bilbao(Reynoldson), Boe, Cannon, Edmunson, Henbest, Jones, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Saylor, Smith(30), Smith(24), Smylie, Snodgrass, Trail. Total -- 25.

Absent and excused -- Bedke, Clark, Jaquet, Raybould. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1234** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House returned to the Fifth Order of Business.

### Report of Standing Committees

March 31, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 399**.

FIELD(18), Chairman

**H 399** was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 399** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 399** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian,

Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Clark, Jaquet, Raybould. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 399** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **H 399** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Harwood, Loertscher, Sali. Total -- 4.

Absent and excused -- Bayer, Clark, Jaquet, Raybould. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 399** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **HCR 28** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HCR 28** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Clark, Jaquet, Raybould. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HCR 28** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **HCR 28** be adopted?"

Whereupon the Speaker declared **HCR 28** adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **HP 5** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HP 5** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Clark, Jaquet, Raybould. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of

the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HP 5** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe, Mr. Martinez, Mrs. Smith(30), and Mr. Andrus to open debate.

The question being, "Shall **HP 5** be adopted?"

Whereupon the Speaker declared **HP 5** adopted by voice vote and ordered the proclamation filed in the Office of the Chief Clerk.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **SCR 110** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **SCR 110** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Clark, Jaquet, Raybould. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **SCR 110** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall **SCR 110** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jones, Kemp, Lake, LeFavour,

Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Harwood. Total -- 2.

Absent and excused -- Clark, Collins, Jaquet, Raybould, Smith(24), Stevenson. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **SCR 110** adopted and ordered the resolution returned to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

### H 38

within the time limited by law, the same having arrived in the Office of the Governor at the hour 2:15 p.m., on March 28, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without amendment.

Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 38**.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

**H 38**, with the Governor's Veto Message attached, was held at the Desk.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

### H 54

within the time limited by law, the same having arrived in the Office of the Governor at the hour 2:15 p.m., on March 28, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without amendment.

Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 54**.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

**H 54**, with the Governor's Veto Message attached, was held at the Desk.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

### H 68, as amended

within the time limited by law, the same having arrived in the Office of the Governor at the hour 2:15 p.m., on March 28, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without amendment.



Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 68**, as amended.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

**H 68**, as amended, with the Governor's Veto Message attached, was held at the Desk.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 70**

within the time limited by law, the same having arrived in the Office of the Governor at the hour 12 p.m., on March 30, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without amendment.

Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 70**.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

**H 70**, with the Governor's Veto Message attached, was held at the Desk.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 188**, as amended

within the time limited by law, the same having arrived in the Office of the Governor at the hour 12 p.m., on March 30, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without amendment.

Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 188**, as amended.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

**H 188**, as amended, with the Governor's Veto Message attached, was held at the Desk.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 193**

within the time limited by law, the same having arrived in the Office of the Governor at the hour 2:15 p.m., on March 28, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without amendment.

Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 193**.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

**H 193**, with the Governor's Veto Message attached, was held at the Desk.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 277**

within the time limited by law, the same having arrived in the Office of the Governor at the hour 12 p.m., on March 30, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without amendment.

Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 277**.

/s/ Very truly yours,  
DIRK A. KEMPTHORNE  
Governor

**H 277**, with the Governor's Veto Message attached, was held at the Desk.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 280**

within the time limited by law, the same having arrived in the Office of the Governor at the hour 12 p.m., on March 30, 2005.

Approval of the above mentioned legislation merely hastens the adjournment of the House of Representative before it would have an opportunity to affirmatively act upon an important matter of policy still before the House Transportation and Defense Committee, namely, **S 1183**. As the House continues to deliberate over the next several weeks, I would encourage you to move quickly to consider **S 1183** and pass such without

amendment.

Because of my commitment to a statewide vision of Connecting Idaho, I hereby withhold my approval from, disapprove, and veto **H 280**.

/s/ Very truly yours,  
DIRK A. KEMPTHORNE  
Governor

**H 280**, with the Governor's Veto Message attached, was held at the Desk.

At this time Mr. Denney took the Chair.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 10 a.m., Friday, April 1, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 5:32 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk